

**Minutes of Land Use, Parks and Environment Committee  
Tuesday, July 19, 2011**

Chair Fritz Ruf called the meeting to order at 8:30 a.m.

**Committee Members Present:** Supervisors Fritz Ruf (Chair), Walter Kolb, Michael Inda, Ted Rolfs, Tom Schellinger, James Jeskewitz. **Absent:** Supervisor Rob Hutton.

**Also Present:** Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Parks and Land Use Director Dale Shaver, Senior Landscape Architect Jason Wilke, Park Supervisor Robert Garity.

**Approve Minutes of June 21, 2011**

MOTION: Inda moved, second by Schellinger, to approve the minutes of June 21, 2011.  
Motion carried 6-0.

**Executive Committee Report of July 18, 2011**

Ruf highlighted the items discussed at the July 19<sup>th</sup> Executive Committee meeting:

- Update on the 2010 County Clerk Audit
- Update on Waukesha County Federated Library Services Department Budget and Objectives
- Approval of three ordinances and numerous appointments

**Future Meeting Date**

- August 16, 2011

**Legislative Update**

Spaeth reported that the legislature is working on redistricting maps and legislation changes that would require county maps to conform with maps drawn by the state for the assembly and senate districts. Since January, Waukesha County has put much time and effort into developing its redistricting maps. The legislation is likely to pass, and the County's maps will need to be tweaked in about nine areas in order to conform. Spaeth invited the Committee members view maps on display in her office for further details and comparison.

**Ordinance 166-O-031: Relocate The Bugline Trail Within The Mammoth Springs, LLC Property In The Village Of Sussex**

Wilke's PowerPoint presentation provided background and location information on the subject property located in the Village of Sussex. A real estate development company, Mammoth Springs, LLC, would like to develop the site with retail and residential properties; however, the Bugline Trail transects the property and affects the potential development of the property. Because the Bugline Trail property was acquired by the County using federal funding, moving the trail requires NPS (National Park Service) approval using a 6f conversion process. The approved 6f conversion includes the transfer of .855 acres of the Bugline parcel located in Mammoth Springs, LLC property in exchange for 0.71 acres along the perimeter of the Mammoth Springs LLC property, and 23.44 acres of wetland in the City of Waukesha adjacent to the Retzer Nature Center.

Rolfs questioned who would pay to improve the new trail. Shaver stated the current trail is unimproved; there is in funding in the capital plan for a project to pave the Bugline Trail. Rolfs pointed out that more than just paving is involved if the trail were to be moved. Who would pay to clear the brush, cut the trees, leveling, etc.? Wilke and Shaver explained there is no agreement yet because there is no approved development plan. When that point is reached, the specifics of transferring the trail will be worked through, perhaps through a cost-share agreement. The trail needs to be improved and money would be spent anyway. Shaver clarified that the developer does not actually own the property yet – right now the land transaction is still in progress. He would not have a partnership agreement with a party that does not own the land. Lengthy discussion ensued on this issue. Rolfs maintained that not having a written cost-

sharing agreement is disturbing and he would not support this ordinance unless an agreement is worked out in advance. Shaver stated that he would make the developer aware of the concerns raised today in an effort to resolve issues before the County Board considers this ordinance next week.

MOTION: Kolb moved, second by Jeskewitz, to approve Ordinance 166-O-031.  
Motion carried 4-2 (Rolfs, Schellinger).

**Ordinance 166-O-035: Repeal, Recreate And Add Various Sections Of Chapter 14, Article II, Division 2 Of The Waukesha County Code Of Ordinances Pertaining To Park Rules**

Shaver and Garity were present to discuss the various changes outlined in this ordinance. A handout titled *Park System Ordinance* was provided to the Committee for reference in advance. Shaver stated that Parks and Corporation Counsel staff worked together on a comprehensive review of the code in a effort to bring it up to date. Changes include added and amended definitions, wording changes, clarifications and added information. Shaver reviewed each of the proposed changes and provided more in-depth information on specific items to address questions or issues raised by the Committee members.

Shaver stated an issue was raised by the Executive Committee regarding the definition of “employee” being extended to include contractors. The reason for this proposed language change was because there is language in the code that refers employees’ special privileges, i.e., the public cannot interfere with an employee’s ability to do his/her job and different employee park access times. Shaver explained that it is specified in contracts that contractors are responsible for workers’ compensation, etc. The Executive Committee’s concern was that there would be a potential transfer of liability by defining contractors as employees and that this language may cause some confusion between the contracts and the code. Shaver stated that in order to alleviate the concern by the Executive Committee, the definition of “employee” in line 30 would end after the word “volunteers” and any language referring to a contractor, concessionaire, etc., would be stricken.

Shaver explained that changes in state law that governs the state stewardship grant policy have necessitated certain code changes. If a stewardship grant is received to purchase property, nature-based outdoor activities (hunting, trapping, fishing, etc.) must be allowed as permitted uses unless certain conditions are met. Hunting in designated areas will be allowed on department approved park properties in order to comply with stewardship grant requirements. Shaver stated several areas have been designated in the County Park and Open Space Plan as appropriate for potential hunting purposes, e.g. the greenway along the Fox River in the Town of Vernon, or isolated areas along the Scuppernon Creek.

Shaver further outlined the changes in the code pertaining to ADA issues regarding animals in public facilities, specifically to allow for a service animal specially trained to perform tasks benefitting a person with a disability or to provide support for mobility-impaired persons.

MOTION: Rolfs moved, second by Schellinger, to approve Ordinance 166-O-035.  
Motion carried 6-0.

In the absence of objection, the meeting adjourned at 9:50 a.m.

Respectfully submitted,

Jim Jeskewitz,  
Secretary